

REMARKS

Claims 1-9, 11-20, 22-26 and 28-30 are pending in the application.

Claims 1-5, 11-15 and 22-24 over Taylor

In the Office Action, claims 1-5, 11-15 and 22-24 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,922,071 to Taylor et al. ("Taylor"). The Applicants respectfully traverse the rejection.

Claims 1-5 and 11 recite a system wherein upon user deletion of a voice message from a user accessible voice message memory, the voice message is compressed, moved and restored in a deleted voice message memory. Claims 12-15 and 22-24 recite removing a user deleted voice message, upon user deletion from a user accessible first memory area, compressing the user deleted voice message, and storing the user deleted voice message in a second memory area.

The Examiner alleges that Taylor discloses a deleted voice message memory and upon deletion of a voice message from a memory area, the voice message is compressed, moved and restored in a mailbox memory at col. 24, lines 32-55. The Applicants respectfully disagree.

The passage the Examiner relies on discloses a computer having a telephone answering machine function that temporarily saves uncompressed messages in a temporary storage area (Taylor, col. 24, lines 47-49). The uncompressed message is copied to a mailbox and the original uncompressed message is deleted (Taylor, col. 24, lines 51-54). The user can access the file only when it appears in a mailbox directory (Taylor, col. 24, lines 54-55).

Taylor discloses copying a message from a temporary storage area to a mailbox and deleting the original message. The Examiner alleges Taylor's temporary storage area equates to the claimed voice message memory and first memory area. However, Taylor discloses that user can access a file only when it appears in a mailbox directory. Thus, the file is un-accessible when in the temporary storage area. Claims 1-5, 11-15 and 22-24 recite in that the voice message memory is user accessible.

Moreover, Taylor discloses the process of deleting a message from the temporary storage area is performed periodically by the computer (col. 24, lines 51-55), i.e., automatically **without** user intervention. The Examiner equates Taylor's temporary storage area to the claimed voice message memory and first memory area. Thus, messages deleted from Taylor's temporary storage area automatically by a computer is **NOT** a **user** deleted voice message, as recited by claims 1-5, 11-15 and 22-24.

Accordingly, for at least all the above reasons, claims 1-5, 11-15 and 22-24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1, 12 and 22 over Jones in view of Becker

In the Office Action, claims 1, 12 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,522,727 to Jones ("Jones") in view of U.S. Patent No. 5,699,411 to Becker et al. ("Becker"). The Applicants respectfully traverse the rejection.

Claim 1 recites a system wherein upon **user** deletion of a voice message from a **user accessible** voice message memory, the voice message is compressed, moved and restored in a deleted voice message memory. Claims 12 and 22 recite removing a **user** deleted voice message, upon **user** deletion from a **user accessible** first memory area, compressing the **user** deleted voice message, and storing the **user** deleted voice message in a second memory area.

Jones is relied on to disclose a system and method for archiving voice messages (Office Action, page 6). However, **NONE** of the claims recited archiving anything, much less voice messages. Archiving is a backup procedure used to restore files that are accidentally deleted or to recover from a system crash **NOT** used to store files simply deleted by a **user**. In fact, conventional archiving backs up only active **non-deleted files**. The Examiner has not shown that Jones archives **deleted files**.

The Office Action acknowledges that Jones fails to disclose compressing a voice message when it is archived. However, as discussed

above, Applicants are **not** claiming to archival of voice messages. The Examiner relies on Becker to allegedly make up for the deficiencies in Jones. The Applicants respectfully disagree.

Becker allegedly discloses a system for compressing voice messages when archiving to save memory space in Fig. 15 and col. 14, lines 27-33 (Office Action, page 5). However, the Applicants are **not** claiming archiving voice messages as explained above. Becker fails to even address what happens when a user deletes a voice message. As such, Becker disclosing nothing other than simply erasing a voice message from memory once deleted by a user. Becker fails to disclose compression and storage of a user deleted voice message in another memory area upon deletion, as recited by claims 1, 12 and 22.

Neither Jones nor Becker, either alone or in combination, disclose, teach or suggest a system and method wherein a user deleted voice message, upon user deletion from a user accessible memory area is compressed and storing in another memory area, as recited by claims 1, 12 and 22.

Accordingly, for at least all the above reasons, claims 1, 12 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6 and 16-18 over Taylor in view of Yaker

In the Office Action, claims 6 and 16-18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Taylor in view of U.S. Patent No. 6,137,864 to Yaker ("Yaker"). The Applicants respectfully traverse the rejection.

Claims 6 and 16-18 are dependent on claims 1 and 12, and are allowable for at least the same reasons as claims 1 and 12.

Claim 6 recites a system wherein upon user deletion of a voice message from a user accessible voice message memory, the voice message is compressed, moved and restored in a deleted voice message memory. Claims 16-18 recite removing a user deleted voice message, upon user deletion from a

user accessible first memory area, compressing the user deleted voice message, and storing the user deleted voice message in a second memory area.

As discussed above, Taylor fails to disclose or suggest a system and method wherein a user deleted voice message, upon user deletion from a user accessible memory area is compressed and storing in another memory area, as recited by claims 6 and 16-18.

The Office Action relies on Yaker to disclose a telephone answering machine wherein a voice message is retained for a time interval specified by a caller or a called party before being permanently deleted at col. 2, lines 57-67 and col. 3, lines 39-47 (Office Action, page 7).

Although Yaker discloses deleting a voice message, Yaker fails to address that happens to the voice message after it is deleted. Conventionally, once a voice message in a telephone answering device is deleted, the voice message is permanently deleted and no longer accessible. Yaker fails to disclose or suggest a system and method storing a user deleted voice message to another memory area upon user deletion, much less compressing and storing a user deleted voice message to another memory area upon user deletion, as recited by claims 6 and 16-18.

Thus, even if the combination of Taylor modified by Yaker were obvious (which it is not), the combination would at best result in copying a message from a temporary storage area to a mailbox and deleting the original message, with the message only being accessible once in the mailbox (Taylor). The theoretical combination would further provide the ability to retain a voice message for a time interval specified by a caller or a called party before being permanently deleted (Yaker). Thus, even the theoretical combination fails to disclose or suggest the features recited in claims 6 and 16-18.

Accordingly, for at least all the above reasons, claims 6 and 16-18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 8, 19 and 25 over Taylor in view of Cannon

In the Office Action, claims 7, 8, 19 and 25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Taylor in view of U.S. Patent No. 6,275,569 to Cannon ("Cannon"). The Applicants respectfully traverse the rejection.

Claims 7, 8, 19 and 25 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claims 7 and 8 recite a system wherein upon user deletion of a voice message from a user accessible voice message memory, the voice message is compressed, moved and restored in a deleted voice message memory. Claims 19 and 25 recite removing a user deleted voice message, upon user deletion from a user accessible first memory area, compressing the user deleted voice message, and storing the user deleted voice message in a second memory area.

As discussed above, Taylor fails to disclose or suggest a system and method wherein a user deleted voice message, upon user deletion from a user accessible memory area is compressed and storing in another memory area, as recited by claims 7, 8, 19 and 25.

The Office Action relies on Cannon to disclose a stand-alone voice messaging system for individual use that allows only a maximum number of voice messages to be stored therein, and once that maximum is reached a new message overwrites the oldest stored therein in Fig. 1 (Office Action, page 8).

Cannon discloses the oldest message within a mailbox is overwritten, i.e., deleted and non-accessible. Conventionally, once a voice message in a telephone answering device is deleted, the voice message is permanently deleted and no longer accessible. Cannon fails to disclose or suggest a system and method storing a user deleted voice message to another memory area upon user deletion, much less compressing and storing a user deleted voice message to another memory area upon user deletion, as recited by claims 7, 8, 19 and 25.

Thus, even if the combination of Taylor modified by Cannon were obvious (which it is not), the combination would at best result in copying a message from a temporary storage area to a mailbox and deleting the original message, with the message only being accessible once in the mailbox (Taylor). The theoretical combination would further provide the ability to only store a maximum number of voice messages in a mailbox, and once that maximum is reached a new message overwrites the oldest stored therein (Cannon). Thus, even the theoretical combination fails to disclose or suggest the features recited in claims 7, 8, 19 and 25.

Niether Taylor nor Cannon, either alone or in combination, disclose, teach or suggest a system and method wherein a user deleted voice message, upon user deletion from a user accessible memory area is compressed and storing in another memory area, as recited by claims 7, 8, 19 and 25.

Accordingly, for at least all the above reasons, claims 7, 8, 19 and 25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 9, 20 and 26 over Taylor in view of Sweet

In the Office Action, claims 9, 20 and 26 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Taylor in view of U.S. Patent No. 5,163,085 to Sweet et al. ("Sweet"). The Applicants respectfully traverse the rejection.

Claims 9, 20 and 26 are dependent on claims 1, 12 and 22, and are allowable for at least the same reasons as claims 1, 12 and 22.

Claim 9 recites a system wherein upon user deletion of a voice message from a user accessible voice message memory, the voice message is compressed, moved and restored in a deleted voice message memory. Claims 20 and 26 recite removing a user deleted voice message, upon user deletion from a user accessible first memory area, compressing the user deleted voice message, and storing the user deleted voice message in a second memory area.

As discussed above, Taylor fails to disclose or suggest a system and method wherein a user deleted voice message, upon user deletion from a user accessible memory area is compressed and storing in another memory area, as recited by claims 9, 20 and 26.

The Office Action relies on Sweet to disclose a digital voice storage and retrieval system in which when voice messages in a Voice File reach a predetermined percentage level, the oldest voice message in the voice file will be deleted (Office Action, page 9).

Sweet discloses the oldest message within a mailbox is deleted. Conventionally, once a voice message in a digital voice storage and retrieval system is deleted, the voice message is permanently deleted and no longer accessible. Sweet fails to disclose or suggest a system and method storing a user deleted voice message to another memory area upon user deletion, much less compressing and storing a user deleted voice message to another memory area upon user deletion, as recited by claims 9, 20 and 26.

Thus, even if the combination of Taylor modified by Sweet were obvious (which it is not), the combination would at best result in copying a message from a temporary storage area to a mailbox and deleting the original message, with the message only being accessible once in the mailbox (Taylor). The theoretical combination would further provide the ability to delete the older message stored therein once a predetermined percentage level has been reach (Sweet). Thus, even the theoretical combination fails to disclose or suggest the features recited in claims 9, 20 and 26.

Niether Taylor nor Cannon, either alone or in combination, disclose, teach or suggest a system and method wherein a user deleted voice message, upon user deletion from a user accessible memory area is compressed and storing in another memory area, as recited by claims 9, 20 and 26.

Accordingly, for at least all the above reasons, claims 9, 20 and 26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 28-30 over Checchio in view of Blumrich

In the Office Action, claims 28-30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,912,951 to Checchio et al. ("Checchio") and further in view of U.S. Patent No. 6,493,800 to Blumrich ("Blumrich"). The Applicants respectfully traverse the rejection.

Claims 28-30 recite, *inter alia*, a system and method for **dynamically adjusting** a total storage space allocated to each of a user accessible voice first memory area and a deleted second memory area to store a user deleted voice message from a common total memory space to optimize a space available for the user accessible voice first memory area and the deleted second memory area.

The Office Action acknowledges that Checchio fails to disclose dynamically adjusting the total memory area to optimize a space for a new message container and a saved message container (Office Action, page 10).

The Office Action alleges the Applicants "deleted message" is actually a "saved message" since it is not actually deleted but moved to another memory area (Office Action, page 10).

Claims 28-30 recite a "user deleted message". Saving a file and moving a file are distinct operations within the art. Moving a voice message in a voice messaging system has such advantages as, e.g., providing a list of voice messages that allows a user to later review the voice messages. Deleting a voice message has such advantages as, e.g., removing references to a voice message that a user must later deal with. The two operations, i.e., saving a voice message and deleting a voice message, are conventionally distinct operations within the art that are **not** interchangeably used. Conventionally, with electronic storage devices, although a file is deleted, usually only reference to that file is deleted. A deleted file only become truly deleted once a new file overwrites the memory locations that the deleted file occupied. As long as the deleted file is not overwritten, the deleted file can still be retrieved. A moved file is **not overwritten** since a user desires such a file not to be overwritten. A user picking a menu option to move a message is a distinct within the art to a user

picking a menu option to a delete a message. Therefore, as the Office Action acknowledges, Checchio fails to disclose a deleting a file.

The Office Action correctly acknowledged that Checchio fails to disclose or suggest dynamically adjusting a total memory area to optimize a space for a new message container and a saved message container (Office Action, page 10). The Office Action relies on Blumrich to allegedly make up for the deficiencies in Checchio to arrive at the claimed invention. The Applicants respectfully disagree.

Blumrich allegedly discloses a system and method for dynamically partitioning a cache, i.e., physically segregating a storage space allocated to each entity of a plurality of entities with the size of partitions can be varied dynamically to adjust to resource needs at col. 10, lines 17 (Office Action, page 10).

Blumrich's invention is directed toward cache memory. Cache memory is specialized high speed memory that is utilized in computer applications that are time critical. "Teachings of references can be combined only if there is some suggestion or incentive to do so." In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Nothing within either Checchio or Blumrich suggests modifying a system and method of voice messaging with a disclosure from a cache memory system applied to large scale storage solutions. In fact, Blumrich teaches cache is often a small amount of memory that is expensive (col. 1, lines 47-50). Small amounts of expensive memory would not be beneficial for storage of voice, which takes a large storage area depending on the number of message stored therein, in a low cost consumer product that does not need such speed. Thus, Blumrich teaches away from application of teachings to a cache memory system to a voice messaging system.

Neither Checchio nor Blumrich, either alone or in combination, disclose, teach or suggest dynamic adjusting of memory in a voice storage system, much less one utilizing a deleted memory area, i.e., a system and

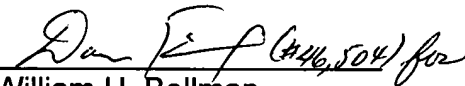
method for dynamically adjusting a total storage space allocated to each of a user accessible voice first memory area and a deleted second memory area from a common total memory space to optimize a space available for the voice first memory area and the deleted second memory area, as recited by claims 28-30.

Accordingly, for at least all the above reasons, claims 28-30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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